

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Civil No. 22-1598 (JRT/TNL)

\$21,446 IN U.S. CURRENCY,

Defendant,

and

AUGUSTUS NICK PHILLIPS, JR.,

Claimant.

**DEFAULT JUDGMENT
AND FINAL ORDER
OF FORFEITURE**

Based on the motion of the United States for an order: (1) granting default judgment against Augustus Nick Phillips, Jr. and all unknown persons and entities who have failed to file claim to the defendant currency and answer to the Complaint for Forfeiture *In Rem*; and (2) for a Final Order of Forfeiture for the defendant currency; and based on all the files and records in this action, the Court finds as follows:

1. The United States filed a Verified Complaint for Forfeiture *In Rem* on June 17, 2022, alleging that the defendant currency is subject to forfeiture pursuant to 21 U.S.C. § 881(a)(6);

2. The Clerk of Court issued a Warrant of Arrest and Notice *In Rem* on June 21, 2022 directing the U.S. Marshal to arrest the defendant currency and to serve all persons

and entities with a potential interest in the defendant currency with a copy of the Complaint for Forfeiture *In Rem* and the Warrant of Arrest and Notice *In Rem*;

3. The United States sent a Notice of Judicial Forfeiture Proceedings, the Verified Complaint for Forfeiture *In Rem*, and the Warrant of Arrest and Notice *In Rem* by certified mail to Augustus Nick Phillips, Jr. ("Phillips") on June 21, 2022 and on August 22, 2022;

4. On July 27, 2022, Phillips filed a claim for the defendant \$21,446.00 in U.S. Currency;

5. Pursuant to Rule G(4)(a)(iv)(C), the U.S. Attorney's Office posted a notice of forfeiture on an official government internet site (www.forfeiture.gov) for at least 30 consecutive days, beginning on June 18, 2022;

6. Phillips did not file an Answer to the Complaint as is required by 18 U.S.C. § 983(a)(4)(B). On February 8, 2023, therefore, this Court granted the Plaintiff's Motion to Strike Verified Claim, and it struck Phillips' Verified Claim. ECF No. 20.

7. No other claim or answer has been filed, and the time for filing a claim and answer has expired under Rule G(5), Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions;

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. The United States' motion for a default judgment and final order of forfeiture [ECF No. 24] is **GRANTED**;

2. Default judgment is entered against Augustus Nick Phillips, Jr. and all unknown persons and entities having an interest in the defendant currency for failure to file a claim to the defendant currency and an answer to the Verified Complaint for Forfeiture *In Rem* as required by 18 U.S.C. § 983(a)(4)(A) and (B), and Rule G(5) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions; and

3. The defendant currency is forfeited to the United States pursuant to 21 U.S.C. § 881(a)(6) for disposition in accordance with law.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: May 11, 2023
at Minneapolis, Minnesota

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge